

MINISTRY OF TRANSPORT, MOBILITY AND URBAN AGENDA

DIRECTORATE-GENERAL FOR CIVIL AVIATION

Draft Order laying down the essential airworthiness requirements for ultralight motorised gliders (ULM) and amending the Order of 31 May 1982 approving a new regulation for the construction of aircraft by amateurs.

Royal Decree 765/2022, of 20 September 2022, regulating the use of ultralight motorised gliders (ULM), has extended the scope of the regulations on ultralight motorised gliders to aircraft, helicopters and motorised autogyros having no more than two seats for occupants, the maximum take-off mass ('MTOM') of which does not exceed 600 kilograms, or in the case of amphibious aeroplanes and helicopters, 650 kilograms, while establishing the maximum unladen weight that these aircraft may have. This new regulation has also introduced significant changes in relation to the operational limitations of ultralight motorised gliders, including the establishment of new maximum flight altitudes, in line with the provisions of the European Union's aeronautical regulations for the operation of aircraft other than complex motor-powered aircraft that do not have supplementary oxygen equipment.

In addition, the European Commission has recently amended the regulations applicable to the certification of the airworthiness of certain non-complex aircraft subject to the European aeronautical regulation, normally used for conducting general aviation operations; that is, other than commercial air transport operations and specialised operations, to provide for the possibility, as an alternative to ordinary type-certifications, that its type design can be recognised by the interested party submitting a 'design compliance declaration', once that declaration has been registered by the competent aeronautical authority and it has notified the interested party of its registration, after that authority has carried out the checks provided for in this new European regulation, known as 'Part 21 Light'.

Aside from these regulatory changes, the reality is that the current state of technical evolution has allowed the industry to manufacture ultralight motorised gliders with new designs and materials, the performance and equipment of which hardly differ from those of light general aviation models, which also means updating the requirements on initial airworthiness, in order to take into account not only aspects of structural strength and construction, but also those related, among others, to the qualities of flight, engine, equipment or operational limitations.

With industrial development, and as in other industrial sectors, the design and manufacture of ultralight motorised gliders has been the subject of progressive relocation or internationalisation, which has resulted, among other things, in technical standards existing and being recognised in Spain for the certification of type design previously adopted by other States or within certain international organisations, and so it is advisable that national regulations adequately address this reality.

In short, the technical evolution in the design and manufacture of ultralight motorised gliders, the relocation or internationalisation of the industry, and the regulatory changes occurring both at national and European level, require a review of the technical and administrative requirements established in the Order of 14 November 1988, which establishes the airworthiness requirements for Ultralight Motorised Gliders.

This Order contains, in Chapter I, general provisions relating to their subject-matter, scope and definition of concepts used therein. With regard to its purpose, the latter merely establishes the regime applicable to the airworthiness, both initial and continuous, of ultralight motorised gliders, without introducing new provisions or other amendments related to that of their operations or that of the licences of their staff. With regard to its scope, it follows, and does not go beyond, the scope of Royal Decree 765/2022 of 20 September 2022, which it implements, although a special simplified regime has been established with regard to the initial and continuous airworthiness of single-seater ultralight motorised gliders that, being included in the scope of Royal Decree 765/2022 of 20 September 2022, have an unladen mass (excluding ballistic parachute) not exceeding 120 kilograms, consistent with the practice of neighbouring countries, while the definitions are introduced for clarity of the addressees of the Order and for legal certainty.

The substantive content of the Order opens with Chapter II, which regulates the requirements and obligations of the initial airworthiness organisations, as well as the holders of a declaration of



compliance with the registered design, starting with the requirements to be met by design organisations requesting the issuance of a restricted type-certificate for ultralight motorised gliders as well as the obligations for its maintenance once issued, in order to comply with the requirements to be met by organisations engaged in the mass production of ultralight motorised gliders. Alternatively to the application for a restricted type-certificate, also considered for ultralight motorised gliders is the possibility of validating the type design by submitting a 'design compliance declaration', following the proportionality of Part 21 Light for European Regulatory Light aircraft, while reflecting the obligations of holders of a design compliance declaration that has been finally registered by the State Aviation Safety Agency.

Subsequently, in Chapter III, on airworthiness of type design, it is established that the type design of an ultralight motorised glider must in any event comply with the essential airworthiness requirements set out in the Annex to the Order in order to obtain the restricted type-certificate, it being admitted that the State Aviation Safety Agency may exempt from any essential requirement in an assessed and exceptional manner. Following the standard practice in the comparative law of neighbouring countries, the means of proving compliance with the essential airworthiness requirements of the Annex are set out in the certification bases and certification specifications adopted by the State Aviation Safety Agency, or recognised as acceptable by the State Aviation Safety Agency. Procedural specialities are also laid down for obtaining restricted type-certificates.

As a new feature, the possibility of validating the airworthiness of a type design by means of a 'design compliance declaration' registered by the State Aviation Safety Agency is recognised.

In any case, the indefinite validity of both ways of proving the airworthiness of the type design is considered, subject to maintaining compliance with the requirements for its issuance or registration respectively and, where appropriate, compliance with the requirements for continued airworthiness. It likewise establishes the requirements for alterations to the design of aircraft with a restricted type-certificate or a declaration of compliance with the registered design.

Chapter IV regulates the certification of the airworthiness of aircraft already manufactured. Until now, the issue of a restricted certificate of airworthiness was accepted only for those ultralight motorised gliders, the design of which had a restricted type-certificate previously approved by the State Aviation Safety Agency. With this Order, such restricted certificates of airworthiness may also be issued on the basis of a design compliance declaration registered by the State Aviation Safety Agency; or on the basis of a valid restricted type-certificate issued by any aeronautical authority in the European Economic Area; or on the basis of a valid restricted type-design certification system ensures levels of safety equivalent to those laid down in that Order, and that equivalence has previously been recognised by decision of the competent body on the basis of the matter of the State Aviation Safety Agency.

Also taken into account is the possibility of obtaining a permit to fly in cases in which a ULM glider cannot have a restricted certificate of airworthiness or that, while having it, does not meet any of its conditions, when it is demonstrated that it is capable of flying safely under certain conditions and for specific purposes.

At the end of the chapter, the conditions for the modification of ultralight motorised gliders are set out, which, as the case may be, must be either registered by the individual or previously authorised by the State Aviation Safety Agency.

With the airworthiness of the type design having been recognised in one of the manners presented, and the certificate of restricted airworthiness or permit to fly having been issued for the corresponding ultralight motorised glider, for public safety – both the aircraft's operating safety and that of the underlying persons and goods – the aircraft's operability must be conditional on the effective continuation of its airworthiness. To this end, in Chapter V it is specified who is responsible for the maintenance and continuation of airworthiness, which may be the owner of the aircraft as until now, or another person permitted to operate such aircraft under any legal title; the tasks necessary for continued airworthiness; the requirements for performing maintenance; as well as the obligation to



have a maintenance programme, and the minimum content thereof.

Likewise, and as a new aspect with respect to the previous regime in relation to continued airworthiness, it is envisaged that, together with the issuance of the certificate of restricted airworthiness, an airworthiness review certificate will be issued, without which the restricted certificate of airworthiness will not be valid. The validity of the airworthiness review certificate is limited in time, but may be renewed by the person responsible for the maintenance and continuation of airworthiness by submitting a 'continued airworthiness declaration'; in short, stating under his or her responsibility that he or she has performed the tasks necessary for the maintenance of airworthiness contained in this Order, and has carried out a physical verification of the aircraft, so that he or she has satisfactorily verified that it remains in accordance with his or her restricted type-certificate or in accordance with a declaration of compliance with the registered design.

In accordance with European and international practice, Chapter VI regulates the airworthiness directives that may be adopted by the State Aviation Safety Agency for ultralight motorised gliders, in view of the evidence of defects in an aircraft, likely to affect others manufactured according to the same restricted type-certificate or design compliance declaration, in order to remedy them in order to guarantee the standards required in terms of safety.

At the end of the substantive part of the Order, Chapter VII provides for common provisions on administrative procedure which, in insofar not provided for in the Order, will apply the provisions of Law 39/2015, of 1 October 2015, on the Common Administrative Procedure of Public Administrations. Specialities are also included in the supervision of organisations and holders of a declaration of compliance with the registered design, as well as a reference to the applicable sanctioning regime provided for in Law 21/2003 of 7 July 2003 on Air Safety.

Concluding the Order, the additional, transitional, derogatory and final provisions are considered. These include the first transitional provision, which complies with the provisions of the first transitional provision of Royal Decree 765/2022, of 20 September 2022, establishing a transitional period for the validity of restricted certificates of airworthiness with excess unladen mass, as well as the forms of adaptation to the limitless mass; the derogatory provision, which repeals the Order of 14 November 1988 laying down airworthiness requirements for Ultralight Motorised Gliders; and the first final provision, which makes specific amendments to the Regulations for the Construction of Aircraft by Amateurs, approved by Order of 31 May 1982.

This Order complies with the principles of good regulation established in Article 129 of Law 39/2015, of 1 October 2015, on the Common Administrative Procedure of Public Administrations.

It complies with the principle of necessity by being motivated by safeguarding the safety of these aircraft and of general air traffic, as manifestations of aviation safety, in turn as part of the general interest of public safety, as well as of the public safety of the underlying persons and goods. In addition, the present Order addresses several safety recommendations by the Civil Aviation Accidents and Incidents Commission.

It respects the principle of effectiveness insofar as the aims pursued by the standard are achieved by establishing this regulation. In particular, the safety of the use of ultralight motorised gliders is increased, and it facilitates the issuance of restricted airworthiness certificates for aircraft with type-certificates issued by foreign aeronautical authorities, as well as importing them.

It also takes into account the principle of legal certainty, given its consistency with national legislation, in particular with the provisions of Royal Decree 765/2022 of 20 September 2022, and specifically in relation to its first transitional provision, which provides for the promulgation of that Order, as well as with European Union legislation, the scope of which it does not invade, while explicitly repealing the Order of 14 November 1988, which it replaces.

In view of the principles of proportionality and efficiency, the Order is limited to establishing the provisions indispensable for meeting the needs identified, in particular by providing, on the one hand,



for a special and regulatory regime less demanding with regard to the initial and continuous airworthiness of ultralight motor gliders which, being covered by Royal Decree 765/2022 of 20 September 2022, have an unladen mass (excluding ballistic parachutes) not exceeding 120 kilograms, and on the other hand, seeking proportionality with the regulation of the European Union on the same subject, Part 21 Light, considering the possibility of proving the airworthiness of these aircraft by means of a 'design compliance declaration' registered by the State Aviation Safety Agency, and establishing a declarative regime for the continued airworthiness of ultralight motorised gliders. The efficient use of public resources is also addressed, not entailing any increase in resources, remuneration or other staff costs.

Finally, following the principle of transparency, the object and scope of the Order have been clearly defined, while allowing the participation of its recipients through consultations and public information and hearing of the sector.

This Ministerial Order has been subject to the procedure laid down in Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 and Royal Decree 1337/1999 of 31 July 1999 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

This Order is issued in the exercise of the exclusive powers of the State in the field of controlling airspace, traffic and air transport and registration of aircraft, in accordance with the provisions of Article 149.1.20 of the Constitution, and by virtue of the regulatory authorisation of the first final provision of Royal Decree 765/2022 of 20 September 2022.

By virtue thereof, with the prior approval of the Minister of Finance and the Civil Service, (...) the Council of State, I decree:

CHAPTER I

General provisions

Article 1. Purpose and scope.

1. This Order is intended for establishing the regime applicable to both the initial and continued airworthiness of ultralight motorised gliders (hereinafter 'the aircraft' or 'ULM gliders').

2. This Order applies to the design, manufacture and use in aspects related to airworthiness, of civil motorised aircraft included in one of the categories established in Article 1.2 of Royal Decree 765/2022, of 20 September 2022, regulating the use of ultralight motorised gliders (ULM), and excluding those provided for in Article 2.

3. However, ULM gliders of 'Category A' referred to in Article 1.2 of Royal Decree 765/2022 of 20 September 2022, which do not present novel or unusual design characteristics, meaning those that are not covered by certification specifications or industry standards previously collected as acceptable means of compliance by the competent body of the State Aviation Safety Agency and whose unladen mass (excluding ballistic parachute) does not exceed 120 kilograms and is single-seat, are subject to the following simplified special regime:

a) With regard to the airworthiness of the type design, Section 2 of Chapter III shall not apply to them, and therefore they may not obtain a restricted type-certificate, but may only prove the airworthiness of the design by registering a design compliance declaration in accordance with Section 3 of Chapter III, and with the exception that paragraphs 6 and 7 of Article 25 do not apply to them;

b) Amendments to the design compliance declaration deemed minor according to the classification of Article 24 (referred to in Article 27(2)) may be communicated by means of a declaration of compliance with the change addressed to the State Aviation Safety Agency by the



holder of the design compliance declaration, or by the person responsible for the maintenance and continued airworthiness of the aircraft;

c) Alterations to the design compliance declaration deemed major according to the classification of Article 24 (referred to in Article 27(2)) shall not be registered by the State Aviation Safety Agency, but shall be approved by the holder of the design compliance declaration, who shall ensure that the design continues to comply with the detailed technical specifications applicable to the aircraft, and that the aircraft has no characteristics that render its use unsafe;

d) Airworthiness review certificates shall be valid for five years.

Article 2. Definitions.

For the purposes of this Order, the following definitions apply:

a) 'Flight authorisation': Special certificate of airworthiness issued by the State Aviation Safety Agency permitting the operation of an aircraft that is not in compliance or which has not been demonstrated to comply with the applicable airworthiness requirements, but which is capable of flying safely under certain conditions, and for defined purposes prior to the performance of the flight.

b) 'Certification basis': Set of technical requirements established by the competent aviation aeronautical authority to decide on the acceptance of the design of an aircraft model referred to as 'type'. They consist of certification specifications applicable to a particular type of aircraft and, where it is not possible to comply with any requirements set out in those specifications, the special conditions established by the aeronautical authority for aspects not adequately covered or for equivalent safety verifications ensuring a similar level of safety.

c) 'Service bulletins': Document used by the production organisation or manufacturer of an aircraft, engine or component in order to notify operators of instructions for the implementation of modifications and/or design changes, as well as to report checks to be carried out on aircraft in service.

d) 'Certificate of restricted airworthiness': Document issued by an aeronautical authority stating that, subject to any restrictions on the operation that it may include, it has been established that the aircraft conforms to a restricted type-certificate, a design compliance declaration registered by the competent aeronautical authority, or equivalent documents, and is fit for safe operation.

e) 'Restricted type-certificate': Document issued by an aeronautical authority to define the design of a model, or model family of an aircraft, engine or propeller, and to certify that that design satisfies the relevant airworthiness requirements required in the State of that authority.

f) 'Declaration of design capability': Document in which a design organisation states, under its responsibility, that it complies with the capacity requirements set out in this Order, and with the procedures set out in its design manuals.

g) 'Declaration of production capacity': Document in which a production organisation or manufacturer declares, under its responsibility, that it complies with the capacity requirements set out in this Order, and with the procedures set out in its production manuals.

h) 'Design compliance declaration': Document in which a natural or legal person declares, under his or her responsibility, that the type design included in that declaration, complies with the airworthiness requirements set out in this Order, referring to the documentation that proves it. For the purposes of this Order, the design compliance declarations submitted to the State Aviation Safety Agency, complying with the requirements laid down therein, are considered to be a document equivalent to the restricted type-certificate.



i) 'Airworthiness directive'; Document issued by a civil aviation authority setting out measures to be taken on aircraft affected by a situation of operational insecurity specified in that document for the purpose of restoring an acceptable level of safety, from which there is evidence that otherwise the level of safety of the aircraft could be affected.

j) 'Type design': Original conception of a given aircraft, including its full definition, diagrams and specifications, instructions for its production, maintenance and use, may include options, variants and even models other than it.

k) 'Certification specifications': Set of technical requirements published by different civil aviation authorities applicable to a specific category of aircraft or aeronautical products, and which are the means of meeting the essential requirements of the Annex.

I) 'Data sheet': Document containing general technical information and data concerning a particular type design, such as holder, organisation of production or manufacturer, definition document, models or variants included, dimensions, weights, limitations, engine and propeller model, fuel, capabilities, certification bases, flight and maintenance manual references, crew members, and other relevant technical data.

m) 'Aircraft station licence': Document issued by the competent authority authorising the use of radio transmitter equipment installed on the aircraft, and indicating the emitting or transmitting equipment available to the aircraft.

n) 'Continued airworthiness': Set of processes by which aircraft, engines, propellers and components accredit compliance with the airworthiness requirements applicable to each aircraft model and, likewise, remain in condition for safe operation throughout their service life.

ñ) 'Pre-flight maintenance': Specific maintenance tasks to be performed prior to flight following instructions from the production organisation or manufacturer, and/or airworthiness directives and which do not fall within the pre-flight general review.

o) 'Unladen mass': Mass of the aircraft fully finished and with all its equipment, without usable fuel, although including the non-consumable fuel and the maximum amount of lubricating oil, coolant liquid and hydraulic system fluids, if available.

p) 'Design organisation': organisation dedicated to aircraft design.

q) 'Production organisation' or 'Manufacturer': organisation dedicated to the serial manufacture of aircraft either through its own design or by third parties to which it has its availability.

CHAPTER II

Requirements and obligations of initial airworthiness organisations and holders of a registered design compliance declaration

SECTION 1 DESIGN ORGANISATIONS

Article 3. Requirements and obligations of design organisations.

In order to be holders of a restricted type-certificate for ULM gliders falling within the scope of this Order, design organisations must comply with the provisions of this Section.

Article 4. Design Manual.

The design organisation shall have a design manual which shall contain, either directly or by reference, at least, the following information:



a) A description of its organisational structure;

- b) A description of the design procedures;
- c) A description of the design management system set out in Article 5;

d) A description of the organisation's resources as set out in Article 6, both material and human, including their qualifications and experience, and that of the contracted organisations; and

e) A description of the scope of design activities including, at a minimum, the identification of the types of design work, the product categories for which design activities are carried out, the functions and duties performed by the organisation with respect to the airworthiness of its products, the contracted activities and coordination with production.

Article 5. Design management system.

1. The design organisation must have a design management system with clear accountability and lines of responsibility throughout the organisation, which:

a) Correspond to the nature and complexity of its activities, size of the organisation and takes into account the associated risks inherent in these activities;

b) Are established under the responsibility of a single person designated as head of design of the organisation in accordance with Article 6.1.

2. The organisation should establish, as part of the design management system, means for providing design assurances by establishing, implementing and maintaining a design assurance system for design control and supervision, and of changes and repairs to product design. This system shall:

a) Include a function responsible for ensuring and verifying that the design of aircraft or the design of their changes, and repairs comply with the applicable type certification bases;

b) Specify how the design assurance system accounts for the acceptability of the parts being designed, or of the tasks performed by partners or subcontractors in accordance with methods that are the subject of written procedures.

3. The organisation should establish and maintain up-to-date processes and procedures to ensure compliance of the product design with the applicable type-certification bases.

4. The organisation must have documentary evidence of its design management system, and that it complies with the requirements of this Article. In particular, it must have documentary evidence of the processes and procedures for ensuring the compliance of the products' design with applicable type-certification bases. The documentation shall be made available to the State Aviation Safety Agency when the latter so requires.

Article 6. Design organisation resources.

1. The organisation must appoint an organisation design manager with the authority to ensure that, within the organisation, all design activities are carried out in accordance with established standards, and that the design continuously meets the requirements of the design management system.

2. The organisation's design manager must nominate and identify key staff, within the organisation, responsible for:



a) Ensuring that the design of the products and the design of changes and repairs comply with the applicable type certification basis; and

b) Another person or group of persons (depending on the size of the organisation) necessary for ensuring that the organisation meets the requirements of this section.

3. The person or group of persons identified in the previous section must have:

- a) A direct unit of the head of design of the organisation and direct access to it;
- b) The appropriate knowledge and experience to fulfil the assigned responsibilities.

4. The organisation shall ensure that:

- a) It has adequate and experienced staff, with the appropriate authority to carry out the assigned responsibilities;
- b) It has adequate facilities and equipment to enable staff to ensure that the designed products meet airworthiness requirements;
- c) There is complete and efficient coordination within the organisation with respect to airworthiness.

5. The organisation shall document its organisational structure together with the key staff responsible for ensuring the organisation complies with the requirements of this section, shall keep them up to date, and make them available to the State Aviation Safety Agency when required.

Article 7. Obligations of design organisations.

The design organisation holding a restricted type-certificate shall:

- a) Work in accordance with the processes, procedures and practices defined in its design manual;
- b) Determine that the design of products, including changes and repairs, has no unsafe characteristics and complies with applicable type certification bases;
- c) Have a system for collecting, investigating and analysing data relating to breakdowns, malfunctions, defects or other events that cause or may cause adverse effects on the continued airworthiness of the aircraft. Information obtained from this system shall be made available to all known owners or operators of the product, part or equipment;
- d) Communicate to the State Aviation Safety Agency any breakdown, malfunction, defect or other occurrences that come to its knowledge related to a product, component or equipment included in the major type or exchange design of which it is the owner and which has caused or is likely to cause a situation of insecurity, which shall be carried out as soon as possible, and in no instance after 72 hours after the detection of the possible situation of insecurity, unless exceptional circumstances prevent it;
- e) Investigate the causes of a design deficiency, and inform the State Aviation Safety Agency of the results of its investigation, and of any action it takes or proposes to take to correct that deficiency;
- f) Prepare, maintain and update all operating and maintenance instructions and procedures required in the certification bases and contents, where appropriate, in the applicable use, operation and maintenance manuals, as well as making such information available to the State Aviation Safety Agency when required;



- g) Facilitate, to the owner acquiring an aircraft produced according to his or her restricted typecertificate, all instructions and procedures necessary for its operation and for the maintenance of its airworthiness;
- h) Make available to any known operator any updates or modifications to the instructions and procedures necessary for the continued airworthiness of the aircraft;

i) In the event that the aircraft is manufactured, or requires assembly tasks, by an organisation other than the holder of the restricted type-certificate, it shall ensure that that organisation has the necessary data, material and human means to carry out such assembly operations, so that each finished aircraft conforms to the data of its type design and is safe for operation and therefore airworthy;

j) Facilitate access for inspection staff of the State Aviation Safety Agency to its facilities, records and documentation, as well as to those of its subcontractors, to carry out inspections;

k) Retain, and maintain at the disposal of the State Aviation Safety Agency, all information and records relating to the demonstration of compliance with the design and capacity of the organisation, for at least the time that an aircraft of the type remains in the aircraft registration register of Spain;

i) Communicate to the State Aviation Safety Agency without undue delay:

1. Any change in the information contained in the design capability declaration;

2. Changes to the design management system that are important to demonstrate the compliance or airworthiness characteristics of the aircraft;

3. The cessation of any activity covered by a declaration of design capability.

SECTION 2 PRODUCTION ORGANISATIONS

Article 8. Requirements and obligations of production organisations or manufacturers.

For the serial manufacture of ULM gliders falling within the scope of this Order, production organisations or manufacturers included as such in a restricted type-certificate or in a design compliance declaration of the registered type must comply with the provisions of this Section.

Article 9. Production Manual.

The production organisation shall possess a production manual which must contain either directly or by reference, at least, the following information:

- a) A description of its organisational structure;
- b) A description of the production procedures;
- c) A description of the production management system set out in Article 10, including the description of the quality system referred to in that Article; and
- d) A description of the resources of the production organisation set out in Article 11, both material and human, including their qualifications and experience and that of the contracted organisations.
- e) A description of the scope of production activities including, at a minimum, identification of types of production work, contracted activities and coordination with the design.



Article 10. Production management system

1. The organisation must establish, implement and maintain a production management system, in which the allocation of responsibilities across the organisation is clearly defined.

2. The organisation must appoint an organisation production manager with sufficient authority within the organisation, who will be responsible for ensuring compliance with the previous paragraph by the organisation.

3. The production management system shall include means of quality management, by maintaining a quality system. This quality system shall enable the organisation to ensure that each aircraft or component produced by itself or its partners, or supplied by third parties or subcontracted to third parties, displays compliance with the applicable design data and is fit for safe operation.

4. The quality system shall contain control procedures for:

- a) Issuance, approval or change of documents;
- b) Evaluation, audit and control of suppliers and subcontractors;
- c) Verification that the products, components, materials and equipment received, including items supplied new or used by purchasers of products, are in accordance with what is specified in the applicable design data;
- d) Identification and traceability;
- e) Manufacturing processes;

f) Inspections and tests, including flight tests;

- f) Calibration of test tools, tools and equipment;
- g) Control of non-conformities;
- i) Coordination of airworthiness with design;
- j) Completion and retention of records;
- k) Training and competence of staff;
- I) Issuance of fit-to-fly documents;
- m) Handling, storage and packaging;
- n) Internal quality audits and the resulting corrective actions;

 Nork performed after completion of production, but prior to delivery, to keep the aircraft in a safe operating condition;

o) Request for the issuance of flight authorisations.

5. The organisation should establish, as part of the production management system, an independent function to monitor compliance with the relevant requirements, and the compliance and adequacy of the production management system. This monitoring shall include a feedback system for the person or group of persons referred to in Article 11(c) and (d) to ensure, as necessary, corrective action.



6. The organisation should establish and keep up-to-date, as part of the production management system, processes and procedures that ensure that the aircraft and components produced comply with the applicable design data. Where the organisation is not the holder of the type-certificate, it shall enter into arrangements with the type-certificate to ensure that it has such data.

7. The organisation shall have procedures in place to ensure that newly manufactured aircraft not yet made available to another operator are maintained in accordance with the applicable maintenance instructions and remain airworthy and, if applicable, that a certificate of release to service is issued for any maintenance completed.

8. The organisation must have documentary evidence of its production management system, and that it complies with the requirements of this Article. In particular, it shall have documentary evidence of the processes and procedures to ensure that the aircraft and components produced are in compliance with the applicable design data. The documentation shall be made available to the State Aviation Safety Agency when the latter so requires.

Article 11. Resources of the production organisation.

The production organisation shall ensure that:

a) The facilities, working conditions, equipment and tools, associated processes and materials, number and competence of staff and general organisation are adequate to fulfil their obligations under Article 12;

b) A procedure has been put in place to ensure that design data is kept up-to-date, correctly incorporated into production data, and kept up-to-date and made available to all staff who need access to them in order to perform their duties;

c) A production manager has been appointed with authority to ensure that, within the organisation, all production is carried out in accordance with the required standards, and that the organisation continuously complies with the requirements of the production management system;

d) The production manager has appointed a person or group of persons to ensure that the organisation meets the requirements of this section, and they are identified, along with the scope of its authority. Such person or group of persons shall be liable to, and have direct access to, the production manager. They must have the appropriate knowledge, training and experience to fulfil their responsibilities;

e) Staff at all levels have been given adequate authority to fulfil their assigned responsibilities and that there is full and effective coordination within the declared production organisation with respect to airworthiness issues;

f) The structure of the organisation together with the key staff responsible for ensuring that the organisation complies with this section is documented and updated;

g) If the completion of the production of the aircraft requires the performance of tasks by a natural or legal person other than that person, such as performing reassembly tasks after the transport or installation of optional equipment, the natural or legal person who shall perform such tasks must be authorised to do so by the applicant for the restricted type-certificate and have the necessary procedures and means.

The State Aviation Safety Agency may carry out such inspections as it deems necessary for determining whether it has adequate human and material resources to carry out these tasks. This natural or legal person, as well as the scope of the tasks it has approved, must be included in the data sheet of the restricted type-certificate, once approved.

Article 12. Obligations of production organisations.



The production organisation or manufacturer included in a restricted type-certificate shall:

a) Perform the production activity of aircraft subject to its restricted type-certificate in accordance with the procedures, practices and processes defined in its production manual, ensuring that each completed aircraft is compliant with its type design data and is safe for operation and therefore airworthy;

b) Inform the State Aviation Safety Agency of any deviations in production detected after delivery, which may cause a situation of insecurity;

c) Identify in a visible place of each aircraft by means of a flame retardant plate marked indelibly, by means of chemical engraving, die cutting, stamping or other approved method, the identification of the aircraft, which must include at least the following information:

1. Name of the production organisation or manufacturer of the aircraft;

- 2. Designation of the model;
- 3. Code or number of the restricted type-certificate; and
- 4. Serial number.

d) In the production of new aircraft, and prior to the issuance of the full declaration of compliance referred to in Article 29(2)(a):

1. The organisation carrying out the assembly shall ensure that the aircraft is fit to operate safely, and conforms to the design approved on the restricted type-certificate;

2. Until it is made available to another operator, the organisation shall ensure that the aircraft remains airworthy and that maintenance is carried out, including necessary repairs in accordance with the applicable design data;

e) Determine that each completed aircraft has undergone necessary maintenance and is in a position to operate safely, before issuing a certificate of release to service after maintenance as described in paragraph 2(d) of this Article;

f) Provide inspection staff of the State Aviation Safety Agency with access to its facilities, records and documentation, as well as to that of its subcontractors, to carry out inspections; and

g) Keep, and maintain at the disposal of the State Aviation Safety Agency, all information and records corresponding to the demonstration of compliance with the production and capacity of the organisation, as well as those corresponding to the production and inspection of each aircraft manufactured for at least the time that the aircraft remains in the registration of aircraft of Spain.

h) Communicate to the State Aviation Safety Agency without undue delay:

1. Any change in information contained in the production capacity declaration;

2. Changes in the production management system that are important to demonstrate the compliance or airworthiness characteristics of the aircraft;

3. The cessation of any activity covered by the declaration of production capacity.

SECTION 3 HOLDERS OF A REGISTERED DESIGN COMPLIANCE DECLARATION



Article 13. Obligations of holders of a registered design compliance declaration.

A natural or legal person preforming a design compliance declaration to the State Aviation Safety Agency in accordance with Article 25 shall:

a) Determine that the design of the products, including alterations and repairs, does not have unsafe characteristics and complies with the detailed technical specifications applicable to the aircraft as set out in Article 25(2);

b) Comply at all times with the requirements set out for production organisations in Section 2 of this Chapter;

c) Have a system for collecting, investigating and analysing data relating to breakdowns, malfunctions, defects or other events that cause or may cause adverse effects on the continued airworthiness of the aircraft. Information on this system shall be made available to all known owners or operators of the product, part or equipment;

d) Communicate to the State Aviation Safety Agency any breakdown, malfunction, defect or other events that come to its knowledge related to a product, component or equipment included in the design compliance declaration and that has caused or could cause a situation of insecurity, which shall be carried out as soon as possible and in no case after 72 hours after the detection of the possible situation of insecurity, unless exceptional circumstances prevent it;

e) Investigate the causes of a design deficiency, and inform the State Aviation Safety Agency of the results of its investigation, and of any action it takes or proposes to take to correct that deficiency;

f) Develop, maintain and update all operating and maintenance instructions and procedures required in the detailed technical specifications with which compliance was declared and contained, where appropriate, in the applicable use, operation and maintenance manuals, as well as making such information available to the State Aviation Safety Agency when required;

g) Provide the owner acquiring an aircraft produced in accordance with the design declaration of compliance with all instructions and procedures necessary for its operation and for the maintenance of its airworthiness;

h) Make available to any known operator any updates or modifications to the instructions and procedures necessary for the continued airworthiness of the aircraft;

i) Perform the production activity of aircraft subject to the design compliance declaration in accordance with the procedures, practices and processes defined in its production manual, ensuring that each finished aircraft is compliant with its type design data and is safe for operation and therefore airworthy;

j) Identify in visible place of each aircraft by means of a flame retardant plate that is indelibly marked, by means of chemical engraving, die cutting, stamping or other approved method, the identification of the aircraft, which must include at least the following information:

1. Name of the production organisation or manufacturer of the aircraft;

- 2. Designation of the model;
- 3. Code or number of the design compliance declaration; and
- 4. Serial number.

k) In the production of new aircraft, and prior to the issuance of the full declaration of compliance referred to in Article 29.2):



1. The organisation carrying out the assembly shall ensure that the aircraft is in a position to operate safely and conforms to the stated design;

2. Until it is made available to another operator, the organisation or manufacturer shall ensure that the aircraft remains airworthy and that maintenance is carried out, including necessary repairs in accordance with the applicable design data;

I) Facilitate access for inspection staff of the State Aviation Safety Agency to its facilities, records and documentation, as well as to those of its subcontractors, to carry out inspections;

m) Keep, and maintain at the disposal of the State Aviation Safety Agency, all information and records relating to the demonstration of compliance with the design and production and inspection of each aircraft manufactured for at least the time that an aircraft of the type remains in the aircraft registration register of Spain;

n) Communicate to the State Aviation Safety Agency without undue delay the cessation of any activity covered by the design compliance declaration.

CHAPTER III

Airworthiness of type design

SECTION 1 ESSENTIAL AIRWORTHINESS REQUIREMENTS

Artículo 14. Essential airworthiness requirements.

In order to obtain a restricted type-certificate or for the registration of a design compliance declaration, the type design must comply with the essential airworthiness requirements set out in the Annex.

Its compliance shall be accredited to the State Aviation Safety Agency through the corresponding administrative procedure of those provided for in this Order.

SECTION 2 TYPE DESIGN CERTIFICATION

Artículo 15. Determination of applicable certification bases.

1. In the administrative procedures for type design certification, the State Aviation Safety Agency shall determine the applicable certification bases, consisting of:

a) Certification specifications applying the essential airworthiness requirements of the Annex to type design:

1. In a specific way, adapted to the specific case; or

2. By reference to those adopted by the aeronautical authorities of other States, previously declared as acceptable means of compliance by decision of the competent body due to the matter of the State Aviation Safety Agency.

b) Special conditions in addition to certification specifications for type designs when:

1. They present novel or unusual characteristics with respect to the design practices on which the applicable certification specifications are based;

2. The intended use of the aircraft, when it is not to be conventional; or



3. Experience has shown that unsafe situations may occur in aircraft or similar products in service or with similar design features.

2. The State Aviation Safety Agency may, exceptionally and on a reasoned basis, admit deviations from the essential airworthiness requirements of the Annex, provided that the type design offers a level of operational safety appropriate to the use of the aircraft, considering:

a) Technical development in civil airworthiness on the date on which the aircraft was originally designed; and

b) The purposes for which the aircraft has been specifically designed and the type of operations to which it is intended.

Artículo 16. Application for a restricted type-certificate.

1. Any design organisation may apply to the State Aviation Safety Agency for a restricted typecertificate for a ULM glider, using, where appropriate, the model made available to interested parties through its website, certifying that such design organisation:

a) Meets the requirements of Section 1 of Chapter II as a design organisation by submitting a design capability declaration in accordance with Article 17 and the design manual referred to in Article 4 with the application;

b) Meets the requirements of Section 2 of Chapter II as a production organisation or manufacturer, where the same design organisation is to act both as a production organisation or manufacturer of the model for which the certificate is requested, by submitting together with the application a declaration of production capacity, in accordance with Article 18, and the production organisation that shall act as a manufacturer of the aircraft model for which the certificate is requested (or, if so, for the prototype to be used in the requested certification procedure), and that it satisfies the requirements of Section 2 of Chapter II, for which the design organisation shall submit together with the application a declaration of production capacity completed and signed by the production organisation to act as manufacturer of the aircraft model for which the certificate is requested, in accordance with Article 18, and its production capacity completed and signed by the production organisation to act as manufacturer of the aircraft model for which the certificate is requested, in accordance with Article 18, and its production manual referred to in Article 9.

2. In addition to the above documentation, the application must be accompanied by, at least:

a) A plan with three views of the aircraft and its preliminary basic data, including the characteristics and operating limitations proposed by the design organisation concerned;

b) The certification specifications that the design organisation proposes to apply in order to obtain the restricted type-certificate, for which purpose it may make use of those previously declared as acceptable means of compliance by the competent body of the State Aviation Safety Agency or others adapted to the specific case, indicating, where appropriate, the deviations it deems necessary.

Artículo 17. Declaration of design capability.

The design capability declaration shall be addressed to the State Aviation Safety Agency, together with the following documentation and information on the design organisation:

a) Its corporate name and trade name;

b) Contact details, address of the registered office and, if different, address of the main place of its activity and, where applicable, of the operational sites of the organisation;

c) Name and contact details of the director or manager of the organisation;



d) The intended scope of the design work, as referred to in Article 4(c);

e) A declaration, signed by the director or manager of the organisation, confirming that the organisation:

1. Has a design management system that complies with the provisions of Article 5 and is intended to maintain such a system; and

2. Applies the processes and procedures established in accordance with Article 5.3.

Artículo 18. Declaration of production capacity.

The production capacity declaration shall be submitted together with the following documentation and information on the production organisation:

a) Its corporate name and trade name;

b) Contact details, address of the registered office and, if different, address of its main place of its activity and, where applicable, of the operational sites of the organisation;

c) Planned scope of work;

d) Expected start date of production;

e) A declaration signed by the director or manager of the organisation confirming that the organisation:

1. Has a production management system that complies with the provisions of Article 10 and is intended to maintain that system; and

2. Implements the processes and procedures established in accordance with Article 10.6;

Artículo 19. Approval of the certification bases.

1. In the light of the certification specifications proposed by the design organisation concerned, the State Aviation Safety Agency shall assess its suitability to accredit the essential airworthiness requirements of the Annex, and shall decide on their approval, rejection, or establishment of special conditions additional items that may be necessary to ensure operational safety, this will define the basis for certification as a whole.

2. The approved certification bases shall be notified to the design organisation concerned.

3. The rejection of the certification specifications proposed by the design organisation concerned shall also be notified to it, and in that case it will be required to, within 10 working days and two months, taking into account the volume, nature and difficulties of the changes required, propose other certification specifications, indicating that, if it does not do so, it shall be deemed to have withdrawn its application.

Artículo 20. Approval of the certification programme.

1. Within three months of the day following that on which the certification bases were notified, the design organisation concerned shall submit to the State Aviation Safety Agency a certification programme specifying the verifications, technical tests, flight tests, ground tests and other means of compliance which it proposes to demonstrate compliance with the certification bases.

2. The State Aviation Safety Agency shall, in view of the certification programme proposed by the organisation concerned, decide on its approval or rejection within two months.



3. The approved certification programme shall be notified to the design organisation concerned.

Where necessary during the certification procedure, the certification programme shall be updated by the design organisation concerned, without such updates leading to changes to the content of that programme, and such updates must be communicated to the State Aviation Safety Agency before continuing with the implementation of the certification programme.

4. The rejection of the certification programme proposed by the design organisation concerned shall also be notified to it, and it shall be required to propose another certification programme, indicating that, if it does not do so within three months, the procedure shall expire, after closure of the proceedings and resolution in accordance with Article 95 of Law 39/2015, of 1 October 2015.

Artículo 21. Implementation of the certification programme and demonstration of the certification bases.

1. From the day following the notification of the approval of the certification programme by the State Aviation Safety Agency, the design organisation concerned has 24 months to implement this.

This period may be extended by the State Aviation Safety Agency, at the request of the organisation concerned, where it can reasonably be anticipated that the time limit for implementing the certification programme will not be complied with, and this shall result in the refusal of the restricted type-certificate requested.

The calculation of the time limit for resolving and notifying the issue of the restricted typecertificate shall be suspended from the day following the notification of acceptance of the certification programme, until the submission by the applicant to the State Aviation Safety Agency of the documentation attesting to the completion of the actions covered by that programme and its outcome.

2. The applicant must carry out all verifications, technical tests and tests necessary to demonstrate compliance with the certification basis as set out in the certification programme.

3. Where the certification programme provides for ground or in-flight trials or testing, the organisation concerned shall have a prototype of the ULM glider for its performance and, where appropriate, the relevant flight authorisations.

4. The State Aviation Safety Agency may carry out such inspections as it deems necessary on the prototype of the ULM glider, tests, trials and demonstrations of compliance with the certification programme, as well as on the resources and facilities of the design organisation concerned.

In the event that during inspections, verifications, technical tests, trials or tests it is found that the organisation concerned does not comply with the declaration of design and production capacity, or that the prototype does not comply with any of the requirements of the certification programme, or that it presents unsafe conditions, the State Aviation Safety Agency shall notify the applicant thereof.

In the event the non-compliances found have not been corrected by the deadline indicated together with the notification of non-compliance, the application for the type-certificate shall be rejected.

5. The State Aviation Safety Agency shall accept, as evidence demonstrating compliance with the requirements established in the certification bases, tests carried out before other aviation authorities, if the test conditions and the results obtained are accredited.

6. The implementation of the certification programme shall end when the organisation concerned certifies to the State Aviation Safety Agency the completion of the actions covered by that programme and its outcome.



Artículo 22. Resolution.

1. After the implementation of the certification programme or, where appropriate, after the deadline for informing the State Aviation Safety Agency of the appropriate corrective measures, the State Aviation Safety Agency shall decide on the application.

2. If the requested restricted type-certificate is issued, the State Aviation Safety Agency shall publish on its website the data sheet of the restricted type-certificate.

This data sheet of the restricted type-certificate shall contain at least the maximum authorised masses for the aircraft model, without prejudice to the fact that it contains additional limitations following the results obtained in the implementation of the certification programme.

Artículo 23. Validity of restricted type-certificates.

1. Restricted type-certificates issued by the State Aviation Safety Agency are issued for an unlimited duration.

2. Restricted type-certificates shall lose their validity when the mandatory rules applying to it are not complied with, and in any event for any of the following causes:

a) By no longer meeting the requirements for granting it, or by making alterations to the type design covered by the restricted type-certificate, without having been communicated or, where appropriate, authorised by the State Aviation Safety Agency;

b) By its revocation or suspension, where there is evidence that the requirements are not met and obligations established for the type-certificate holder design organisation;

c) By the holder's resignation;

d) By the cessation of the activity of the type-certificate holder design organisation, which, without prejudice to proving this by other means, will in any case be understood to occur when one of the following circumstances occurs:

1. The organisation has formally notified the State Aviation Safety Agency of the cessation of its activities;

2. Inaccuracy, falsity or omission, of an essential nature, of any data or information incorporated in the design capability declaration addressed to the State Aviation Safety Agency. Where only part of the activity is concerned, the organisation may continue to carry out the part of the activity not affected by that essential inaccuracy, falsehood or omission.

Artículo 24. Changes to the restricted type-certificate.

1. Only the holder of the restricted type-certificate may make alterations to the type design covered by a restricted type-certificate issued by the State Aviation Safety Agency.

2. Alterations to type design are classified as minor or major, according to the following criteria;

a) Minor alterations shall be those which have no appreciable effect on the weight, focus, structural strength, reliability or flight characteristics of the aircraft;

b) Other alterations shall be considered major, unless the State Aviation Safety Agency considers that the alteration in the design, power plant, thrust or weight is sufficiently extensive to be considered a new type design, subject to its corresponding type certification.



3. Minor alterations in type design must be communicated to the State Aviation Safety Agency prior to their implementation in ULM gliders included in the Register of Civil Aircraft Registration of Spain.

4. Major alterations to type design are subject to prior approval by the State Aviation Safety Agency.

In these cases, the type design holder must follow the procedure established for obtaining a restricted type-certificate, albeit limited to only those aspects affected by the alteration. Those used for the original type design may be accepted as certification bases for the alteration.

5. Alterations in type design communicated or approved by the State Aviation Safety Agency shall be published by the Agency on its website.

SECTION 3 REGISTRATION OF A DESIGN COMPLIANCE DECLARATION

Artículo 25. Design compliance declarations.

1. Any natural or legal person established in the European Economic Area who designs and intends to mass produce a 'Category A' ULM glider as set out in Article 1.2 of the Royal Decree 765/2022, of 20 September 2022, and which does not present novel or unusual design characteristics, meaning those that are not covered by certification specifications or industry standards previously identified as acceptable means of compliance by the competent body of the State Aviation Safety Agency, may declare compliance with the design of a type for that aircraft, the registration of which will make it valid for the issuance of the restricted certificates of airworthiness of ULM gliders of the type produced in series.

The design compliance declaration regime shall not apply to ULM gyrocopters of categories B and C respectively of Article 1.2 of Royal Decree 765/2022 of 20 September 2022.

The mere submission of the design compliance declaration does not allow the interested party to exercise a right or start any activity, but ultimately requires the registration of that declaration by the State Aviation Safety Agency and its subsequent notification to the interested party, at which point the design compliance declaration shall be valid.

2. The interested party shall demonstrate compliance with the aircraft design with detailed technical specifications applicable to the aircraft and effective at the time of the declaration. Such specifications might be:

a) Certification specifications referred to in Article 15, or

b) Technical standards developed by certification bodies or other industry bodies declared as acceptable means of compliance for this purpose by the competent body of the State Aviation Safety Agency.

3. Before starting production of an aircraft, the design compliance declaration must be submitted to the State Aviation Safety Agency, where appropriate, in the model made available to interested parties through its website, which shall contain at least:

a) Corporate name or name of the person filing the declaration, as well as the trade name where applicable;

b) Its address or registered office;

c) A unique reference to identify the type design;

d) Certification specifications or technical standards, with which design compliance is declared;



e) A confirmation signed by and under the responsibility of the interested party that the design of the aircraft, including the engine and propeller, complies with the applicable certification specifications or technical standards in accordance with the compliance demonstration plan referred to in paragraph 4(b);

f) A confirmation signed by the interested party, and under his or her sole responsibility, that no aspects or characteristics have been identified that could render the aircraft unsafe;

g) A commitment signed by the declarant in which he or she assumes the obligations set out in Article 13 on obligations of declarants of holders of a registered design compliance declaration;

h) Instructions for continued airworthiness or maintenance of airworthiness;

i) All conditions and limitations prescribed for the aircraft; and

j) The data sheet, in which all the characteristics, limitations and instructions for its maintenance and use shall be collected.

4. Together with the design compliance declaration, the following documentation shall be submitted:

 a) Type design data, including diagrams, specifications, materials, manufacturing processes employed and installed equipment, enabling the configuration and design characteristics of the aircraft to be defined;

b) The compliance demonstration plan, detailing the means by which compliance with the airworthiness requirements referred to in paragraph 2 has been demonstrated;

c) Supporting reports, including relevant test results, demonstrating compliance with those requirements. It should be justified that the samples tested were representative, in form, material and production method, of the design data, and that the measurement equipment used in the tests was suitable for them and properly calibrated;

d) Flight and maintenance manuals.

5. Test flights shall include an operation period in the final configuration of a sufficient duration in order to ensure that the aircraft has no characteristics that render its use unsafe.

6. Once the declaration has been submitted, the interested party must agree with the State Aviation Safety Agency the conduct by the latter of physical inspection and flight test supervision for the first aircraft in the final configuration to ensure that an acceptable level of safety can be achieved.

7. If the State Aviation Safety Agency finds evidence, in the declaration or during the checks referred to in paragraphs 5 and 6, that the aircraft may be unable to provide a safe flight, it shall issue the corresponding deviations, which, if not corrected, will result in the refusal to register the declaration.

8. In the case of compliance with the provisions in:

a) Paragraphs 2 to 6, inclusive; or,

b) Paragraphs 2 to 4, inclusive, where the simplified special scheme in Article 1.3 applies;

and there are no discrepancies pending correction, the State Aviation Safety Agency shall record the design compliance declaration, notifying the interested party and publishing the data sheet, as valid design data for the issuance of a restricted certificate of airworthiness.



Artículo 26. Validity of design compliance declarations.

1. Design compliance declarations shall be recorded by the State Aviation Safety Agency for an unlimited duration.

2. Declarations of compliance with the design shall lose their validity when mandatory rules of application are not complied with, and in any case, for any of the following reasons:

a) By no longer meeting the requirements for registration, or by making changes to the type design covered by the design compliance declaration, without having been communicated or, where appropriate, authorised by the State Aviation Safety Agency;

b) By revocation or suspension of the registration of the declaration where there is evidence that the requirements and obligations established for the holder of the registered design compliance declaration are not fulfilled;

c) By the holder's resignation;

d) For the inaccuracy, falsity or omission, of an essential nature, of any data or information that is incorporated in the design compliance declaration, or the failure to submit to the State Aviation Safety Agency the documentation that may be required to prove compliance with the declaration;

e) By the cessation of the activity of the holder of the declaration of compliance with the registered design, which, without prejudice to proving this circumstance by other means, shall in any case be understood to occur when he or she formally communicates it to the State Aviation Safety Agency.

3. A design compliance declaration cannot be transferred.

4. A natural or legal person intending to assume the design of an aircraft for which a design compliance declaration has previously been submitted shall:

a) Submit a new design compliance declaration; and

b) Demonstrate that the previous holder of the declaration of compliance of the registered design has ceased its activity or that it has transferred the design data.

Artículo 27. Design alterations for design compliance declarations.

1. Only the holder of a registered design compliance declaration can make alterations to the design.

2. Alterations to the declared design are classified as minor or major with the same criterion as indicated in Article 24.

3. Before installing or incorporating a minor alteration to the design of an aircraft for which compliance of the design has been declared, the operator shall address to the State Aviation Safety Agency, where applicable, in the model made available to interested parties through its website, a declaration of compliance with the detailed technical specifications contained in the design compliance declaration, or with those listed by the State Aviation Safety Agency as acceptable means of compliance on the date of submission of the declaration of compliance of the alteration to the design.

4. In the event of minor alterations, the declarant shall:

a) Keep a record of the declarations and provide it at the request of the State Aviation Safety Agency;



b) Retain all documentation supporting the declaration and provide it at the request of the State Aviation Safety Agency; and

c) Assume the same obligations on alterations as the holder of a declaration of compliance with the registered design.

4. Before installing or incorporating a major alteration to the design of an aircraft for which design compliance has been declared, a design compliance declaration for the alteration should be submitted to the State Aviation Safety Agency, as if it were a new design compliance declaration, albeit limited to only those aspects affected by the alteration.

Detailed technical specifications for which design compliance is declared for the alteration may be accepted as those contained in the declaration of compliance with the original design or considered as acceptable means of compliance by the competent body of the State Aviation Safety Agency on the date of submission of the design compliance declaration for the alteration.

CHAPTER IV

Certification of airworthiness

Artículo 28. Restricted certificate of airworthiness.

No ULM glider within the scope of this Order is authorised for flight if it does not have a restricted certificate of airworthiness valid for its operation, unless it is issued with a permit to fly in accordance with this Order.

Artículo 29. Application for restricted certificates of airworthiness.

1. In order to obtain a restricted certificate of airworthiness, any person, natural or legal, in whose name the aircraft is registered or is to be registered, may apply for issuance to the State Aviation Safety Agency using, where applicable, the model made available to interested parties through its website, provided that the model of the aircraft has any of the following documents:

a) A valid restricted type-certificate issued by the State Aviation Safety Agency;

b) A declaration of compliance with the valid design registered by the State Aviation Safety Agency;

c) A valid restricted type-certificate issued by any aeronautical authority in the European Economic Area; or

d) A valid restricted type-certificate issued by any aeronautical authority of a third country, whose type design certification system ensures safety levels equivalent to that laid down in this Order, and has previously been recognised by decision of the competent body on the matter of the State Aviation Safety Agency.

2. When applications for restricted airworthiness certificates are for new aircraft, these shall be accompanied by the following documentation:

a) A declaration of complete aircraft compliance, issued by the production organisation or manufacturer of the aircraft or by the holder of the registered design compliance declaration, which manufactured the aircraft, in which it declares that the aircraft has been manufactured in accordance with a restricted type-certificate or a declaration of compliance with the registered design, and that it has carried out a ground inspection and related flight tests ensuring that the aircraft is in a position to operate safely.



b) In the event that a new aircraft has been moved to Spain disassembled and has been assembled in Spain, a declaration of complete aircraft compliance issued by the natural or legal person carrying out the assembly must be submitted, in which it declares under its responsibility that the procedures indicated by the holder of the restricted type-certificate or of the design compliance declaration registered for the performance of the operation have been followed.

For aircraft based on a restricted type-certificate issued by the State Aviation Safety Agency, the organisation carrying out the assembly must be reflected in the restricted type-certificate, while for the rest an authorisation must be submitted by the production organisation or manufacturer for assembly in Spain.

c) A configuration report, issued by the production organisation or manufacturer, by the holder of the declaration of compliance with the registered design who manufactured the aircraft, or by the organisation carrying out the assembly in Spain, in which all the equipment installed on the aircraft is related, whether instruments or equipment of any kind, containing in any case the complete information corresponding to the weight and centring of the specific aircraft (weighing conditions, unladen mass, position of the centre of gravity, etc.). Where the aircraft includes modifications to the restricted type-certificate or to the declaration of compliance with the registered design, this report shall list them and indicate that they comply with Article 33 on aircraft modification;

d) Updated documentation, issued in the form of manuals or equivalent, by the holder of the restricted type-certificate or declaration of compliance with the registered design relating to the operation and continued airworthiness of the aircraft model; and

e) Where the applicant intends to operate the aircraft in airspace requiring the establishment of aeronautical radio frequency communications, proposed aircraft station license, containing the aeronautical band emitting equipment installed on the aircraft.

3. The declarations of complete aircraft compliance referred to in points (a) and (b) of the preceding paragraph shall, respectively:

a) Refer to the configuration report referred to in point (c) above or to the updated documentation relating to the operation and continued airworthiness of the aircraft model referred to in point (d) of the preceding paragraph; and

b) Be signed by a technician designated by the design organisation holding the restricted typecertificate, who shall have the appropriate knowledge, training and experience to verify the veracity of the declarations of complete aircraft compliance.

4. The declarations of complete aircraft compliance referred to in paragraphs 2 and 3 shall have been issued no later than two months before the submission of the relevant application.

5. Where applications for restricted certificates of airworthiness are for used aircraft, they shall be accompanied by the following documentation:

a) A copy of the last restricted certificate of airworthiness, permit to fly or other document allowing it to fly, issued by the authority of the State previously responsible for the aircraft;

b) A report issued by the person responsible for the maintenance and continued airworthiness of the aircraft, including:

1. A declaration of compliance reflecting that the aircraft conforms to a restricted or equivalent type-certificate, including supporting documentation;

2. A signed declaration proving that the latter is capable of carrying out a safe flight;



3. A list of all equipment installed on the aircraft, whether instruments or equipment of any kind, containing in any case the complete information corresponding to the weight and centring of the specific aircraft (weighted conditions, unladen mass, position of the centre of gravity, etc.);

4. A declaration of the list of modifications that the aircraft includes, indicating that they comply with Article 33.

c) Updated documentation, issued in the form of manuals or equivalent, by the holder of the restricted type-certificate or the declaration of compliance with the registered design relating to the operation and continued airworthiness of the aircraft model;

d) The documents of the aircraft on which the maintenance work carried out has been recorded; and

e) Where the applicant intends to operate the ULM glider in airspace requiring the establishment of aeronautical radio frequency communications, proposed aircraft station license, containing the aeronautical band emitting equipment installed on the aircraft.

6. The applicant must also prove that the aircraft:

a) Has a flame-retardant plate attached to the structure in accordance with Article 12(c) or Article 13(j), as applicable;

b) Has all the signs and marks defined in the technical documentation drawn up by the holder of the restricted type-certificate, or of the declaration of compliance with the registered design, as well as those specifically required by the applicable national regulations.

7. Prior to the issuance of the restricted certificate of airworthiness, the State Aviation Safety Agency may inspect the airworthiness status of the aircraft in order to verify its compliance with the design approved in the restricted type-certificate, or on the basis of which the registration of the design compliance declaration has been notified, and its fitness for safe operation. For this purpose, the inspection may include in-flight testing.

8. Upon registration of the aircraft in the Aircraft Registration Register and after completion of the actions on its airworthiness, the State Aviation Safety Agency shall decide as appropriate on the application made, issuing and notifying the restricted airworthiness certificate or refusing to issue it.

Artículo 30. Validity of restricted certificates of airworthiness.

1. Restricted certificates of airworthiness are granted with an unlimited duration.

2. Restricted airworthiness certificates shall cease to be valid if mandatory rules of application are not complied with, and in all instances for any of the following reasons:

a) Where one year has elapsed since the invalidity of the restricted type-certificate or the declaration of compliance with the registered design on which it is based has been brought to the attention of the persons concerned;

b) The aircraft loses its compliance with the restricted type-certificate or the declaration of compliance with the registered design;

c) The continued airworthiness requirements set out in Chapter V, and in particular where the airworthiness review certificate has become invalid, are not met;

d) The aircraft is not in compliance with the applicable airworthiness directives;



e) The aircraft has been modified or repaired without conforming to the requirements for each aircraft type;

f) The aircraft has been operated outside the limits of its flight manual, or equivalent document, without appropriate action being taken;

g) The aircraft has been involved in an incident or accident affecting the airworthiness of the aircraft, and it has not been demonstrated to the State Aviation Safety Agency that the repairs necessary to restore airworthiness have subsequently been carried out;

h) The aircraft is destroyed; or

i) The aircraft does not remain registered in the Register of Civil Aircraft Registration of Spain.

Artículo 31. Flight authorisations.

1. By way of derogation from the obligation to have a restricted certificate of airworthiness valid for the operation of the aircraft, the State Aviation Safety Agency may issue a permit to fly for ULM gliders that do not have a valid restricted certificate of airworthiness or which, although having it, do not comply with any of its conditions or with the applicable airworthiness directives, provided that it is demonstrated by the applicant that they are able to fly safely under certain conditions, and for the following purposes:

a) Production test flights of new aircraft;

b) Certification test flights, within a process of approval and/or modification of a restricted typecertificate requested from the State Aviation Safety Agency;

c) Flights of aircraft for acceptance by customers or delivery flights to customers;

d) Flight of aircraft for acceptance by an authority;

e) Market research flights, including the training of the customer's crew;

f) Aerial displays and demonstrations;

g) Flight of aircraft to a place where maintenance or airworthiness checks are to be carried out, or to a storage site;

h) Flight of aircraft weighing more than their maximum certified take-off weight;

i) Flights of certain aircraft or of certain types for which the issue or maintenance of the validity of the restricted certificate of airworthiness does not apply, in particular when they have lost their validity and the aircraft are in possession of extensive experience in service without accidents or incidents related to their design.

2. In the case of point (i) of the preceding paragraph, aircraft, the certificate of restricted airworthiness of which has been issued on the basis of a restricted type-certificate or a declaration of compliance with the registered design that has lost its validity, may continue to operate on the basis of that certificate for one year after the invalidity has been brought to the attention of the persons concerned, in order to enable interested parties to apply for a permit to fly.

In that case, the person responsible for the maintenance and continued airworthiness of the aircraft must maintain a valid airworthiness review certificate as provided for in Chapter V.

3. The permit to fly must state its period of validity, flight conditions, and any other applicable operational limitation.



4. Permits to fly shall be granted with a validity limited to the period necessary for their purpose, with a maximum of up to two years when their justification is duly substantiated, subject to the condition that:

a) The conditions and restrictions set out in the permit to fly are met;

b) The aircraft retains the same registration number; and

c) The permit to fly is not waived, suspended or revoked.

5. At the end of the period of validity of a permit to fly, or within three months before such end, the interested parties may apply for successive permits to fly.

Artículo 32. Requirements for issuing permits to fly.

1. A permit to fly may be applied for by the aircraft operator, designer, production organisation manufacturer or authorised for reassembly, if the aircraft has a Spanish registration.

2. The application shall be made using, where appropriate, the form made available to interested parties through its website and must include:

a) The purpose of the flight, among those listed in Article 31(1);

b) An indication of the aspects where the aircraft may not be in compliance with the essential airworthiness requirements;

c) A proposal for any condition or restriction necessary for the aircraft to operate safely, including those relating to:

1. The conditions or restrictions established on itineraries or airspace, or both, required for each flight;

2. The conditions and restrictions to be met by the crew of the aircraft;

3. Restrictions on occupants who are not part of the crew;

4. Operational constraints, specific procedures or technical conditions to be met;

5. The specific flight test programme, if applicable;

6. Specific provisions for continued airworthiness, including maintenance instructions and the regime under which they shall be implemented.

d) A declaration signed by the person responsible for the maintenance and continued airworthiness of the aircraft, proving that the aircraft is capable of carrying out a safe flight under the conditions or restrictions in paragraph (c).

3. For the purposes of issuing flight authorisations, the State Aviation Safety Agency may carry out inspections and checks it deems appropriate.

Artículo 33. Modification of aircraft.

1. The operator of an aircraft with Spanish registration and valid restricted certificate of airworthiness may make modifications to the aircraft.

2. In the case of aircraft with a restricted certificate of airworthiness, the records of the



modifications as well as the supporting documentation should be kept by the person responsible for the maintenance and continuation of airworthiness in the following cases:

a) Incorporation of service bulletins issued by the holder of the restricted type-certificate, the holder of the declaration of compliance with the registered design, or by the State Aviation Safety Agency for modifications to the restricted type-certificate or to the design compliance declaration communicated or approved in accordance with Articles 24 or 27(2) on alterations to the restricted type-certificate or design alterations for design compliance declarations, respectively;

b) Inclusion of modifications or repairs for which the State Aviation Safety Agency has published on its website guide material with criteria for acceptance of standard modifications and repairs;

c) Incorporation of documents equivalent to those referred to in points (a) and (b) considered valid for the aeronautical authorities of foreign countries which have issued type-certificates on the basis of which the State Aviation Safety Agency has issued a certificate of airworthiness restricted to that aircraft on the basis of points (c) and (d) of Article 29(1); or

d) Making alterations other than those provided for in points (a) and (b), provided that they can be classified as minor in accordance with Article 24 or 27(2), a declaration signed by the head of design of the organisation holding the restricted type-certificate referred to in Article 6.1, or other qualified and experienced staff, stating that there are no technical objections related to the safety of the aircraft, shall also be kept.

The State Aviation Safety Agency may carry out the necessary inspections to verify its classification, justification and implementation. For this purpose, the inspection may include in-flight testing.

3. In the case of aircraft with a restricted certificate of airworthiness the modifications should be authorised by the State Aviation Safety Agency in the case of modifications not covered by paragraph 2, for which the interested party must demonstrate that compliance with the applicable airworthiness requirements is maintained.

4. Repairs to an aircraft not covered by the approved service documentation are classified in the same way and are subject to the same criteria as modifications.

5. Modifications and repairs shall be recorded by the person responsible for the maintenance and continuation of airworthiness in the aircraft notebook and, where applicable, on the engine booklet or its equivalents.

The person responsible for maintaining and continuation of airworthiness of the aircraft shall retain, and maintain at the disposal of the State Aviation Safety Agency, all relevant information and records on modifications and repairs for at least the time an aircraft of the type remains in the Spanish aircraft registration register.

6. For aircraft which, instead of a restricted certificate of airworthiness, have a permit to fly, any modification shall be approved in advance by the State Aviation Safety Agency, except where the permit to fly has been issued for certain aircraft, or certain types for which the issuance or maintenance of the restricted certificate of airworthiness does not apply, in particular where the restricted type-certificate or the registered design declaration has lost its validity, and the aircraft have satisfactory in-service experience in accordance with Article 31(1)(i), in which case modifications to such aircraft shall be subject to the same regime as those with a restricted certificate of airworthiness.

CHAPTER V

Continued airworthiness

Artículo 34. Management of continued airworthiness tasks.



1. The owner of the aircraft is responsible for its maintenance and continued airworthiness.

2. When the aircraft is leased or operated by another person under any other title, the responsibilities of the owner shall be transferred to the lessee or to the person operating the aircraft if:

a) The lessee or the person operating the aircraft is stipulated in the registration certificate; or

b) The transfer of responsibilities for continued airworthiness is detailed in the lease agreement or in any other title allowing the operation of the aircraft to another person.

3. The person responsible for the maintenance and continued airworthiness shall arrange the following tasks necessary for continued airworthiness:

a) Monitoring flight hours, cycles or landings;

b) Compliance with pre-flight maintenance inspections, service tasks (such as lubrication, greasing, filling, adjustment and tuning) and periodic and non-recurrent reviews or checks established by the production organisation or manufacturer of the aircraft and its components;

c) Replacing components or parts installed on the aircraft once they reach the end of their useful life, or, where appropriate, carry out periodic inspections, reviews or checks on such items, as established by the production organisation or manufacturer of the aircraft and its components;

d) Having up-to-date data on the weight and centre of the aircraft;

e) Monitoring defects and failures arising during the operation of the aircraft and, where appropriate, resolution in accordance with the information provided by the holder of the restricted type-certificate or the declaration of compliance with the registered design, or by means of standardised aeronautical methods or techniques;

f) Modifications and repairs to the aircraft; where applicable, in accordance with documentation prepared by the production organisation or manufacturer of the aircraft and its components;-

g) Compliance with applicable airworthiness directives;

h) Documentary recording and maintenance, on an appropriate medium, of the detail corresponding to the tasks referred to above; and

i) Developing and updating a maintenance programme for the aircraft.

Artículo 35. Performing aircraft maintenance

The physical performance of maintenance tasks on the aircraft shall be carried out in accordance with the following:

a) Human means: the staff in charge of the maintenance work, who in any case may be the owner or the operator without prejudice to the right of the latter to entrust this responsibility to third parties, shall have sufficient technical competence for the performance of the applicable tasks, this being ensured by the appropriate knowledge of the aircraft and its components, as well as the experience in the methods, techniques and standard practices used in the maintenance of aircraft.

b) Technical means:

1. Installations, tools and equipment:



The work shall be carried out in facilities appropriate to the nature of the work, using the tools or equipment required or recommended by the production organisation or manufacturer of the aircraft and its components.

In the absence of the aforementioned means and under the responsibility of the person responsible for the maintenance and continued airworthiness of the aircraft, any other alternative element may be used that, observing the same functionalities or technical characteristics, guarantees a level of safety and performance equivalent to the original.

2. Parts, pieces, materials and consumables:

Original spare parts sourced from the production organisation or manufacturer of the aircraft and its components or its suppliers, or obtained by other means that allow their identification and condition to be verified, shall preferably be used.

In those cases where the aircraft type is installed, the owner of the aircraft, under his or her responsibility, may manufacture parts and pieces for assembly on his or her own aircraft, which are not part of the primary structure of the aircraft, flight controls, engine or propeller, always following the instructions indicated in the documentation generated by the change.

The use of consumable materials or elements shall be carried out in accordance with the technical specifications defined by the production organisation or manufacturer.

3. Technical documentation and regulatory requirements:

For the purpose of completing the tasks referred to in Article 34, the staff responsible for the maintenance and continuation of airworthiness shall use the updated technical documentation prepared by the production organisation or manufacturer of the aircraft and its components contained in any medium and form, whether maintenance manual, operating manual, bulletins or service letters or similar, as well as, where appropriate, technical information contained in maintenance programmes.

Likewise, the airworthiness directives or other mandatory requirements approved by the State Aviation Safety Agency shall be completed in accordance with their content.

c) Major maintenance: general servicing of engine, propeller or any type of component fitted to the aircraft shall be carried out in accordance with the maintenance instructions contained in the documentation drawn up by the production organisation or manufacturer of the component or, where appropriate, those designed for that purpose by the manufacturer of the aircraft.

d) Maintenance methods, techniques and practices: maintenance shall be carried out in accordance with the procedures contained in the continued airworthiness instructions drawn up by the production organisation or manufacturer of the aircraft or, where appropriate, supplemented by the use of commonly accepted standard methods, techniques or practices in the maintenance of aircraft.

e) Aircraft maintenance activities (preparation, execution, documentation, etc.):

The person responsible for the maintenance and continued airworthiness of the aircraft is responsible for the work carried out, regardless of whether the work has been carried out by other staff, and following completion he or she shall record the corresponding certification in the aircraft's books, or on another documentary medium collected as an acceptable means of compliance by the State Aviation Safety Agency.

Such certification shall contain the date, location and identification of the person responsible for the maintenance and continuation of airworthiness, as well as the essential data and information to describe the activities performed.



f) Retention of records: The person responsible for the maintenance and continued airworthiness of the aircraft shall keep on an appropriate medium, for a period of two years, the documentation attesting to the completion of the tasks referred to in Article 34.

Artículo 36. Maintenance schedule.

1. Aircraft shall have a maintenance schedule designed to define and organise the maintenance to be performed on the aircraft.

2. The person responsible for the maintenance and continued airworthiness of the aircraft is responsible for drawing up the maintenance schedule associated with that aircraft and for keeping it updated, in both cases, in accordance with the provisions of this Order.

3. The maintenance schedule shall be based on the continued airworthiness instructions developed by the aircraft's production organisation or manufacturer and, where applicable, of the engine, propeller and other components, and may be responsible for the maintenance and continued airworthiness to make deviations to them under its responsibility.

The maintenance schedule shall include the identification of the aircraft and, where applicable, the installed engine and propeller, the tasks corresponding to the continued airworthiness instructions and/or deviations, as well as, where applicable, additional maintenance tasks associated with modifications, repairs and those relating to specific equipment, category or operations. It shall likewise incorporate periodic mandatory tasks approved by the aeronautical authority, such as airworthiness directives or airworthiness limitations, among other things.

4. The maintenance schedule shall be drawn up and updated, under his or her responsibility, by the person responsible for the maintenance and continued the airworthiness of the aircraft in the following cases:

a) When applying for the initial issuance of a restricted certificate of airworthiness;

b) When there is a change in the person responsible for maintaining and maintaining the airworthiness of the aircraft; or

c) Where a modification of the content of the maintenance schedule is necessary.

Artículo 37. Airworthiness review certificate.

1. Together with the first or subsequent restricted certificate of airworthiness of the aircraft, the State Aviation Safety Agency shall issue an airworthiness review certificate.

2. The airworthiness review certificate shall attest to the continued airworthiness. This has a validity of two years, or five years in the case of aircraft to which the simplified special scheme referred to in Article 1(3) applies, renewable for equal periods by submitting a declaration of continued airworthiness made in accordance with Article 38.

3. The airworthiness review certificate and subsequent continued airworthiness declarations shall remain, in conjunction with the restricted certificate of airworthiness, as supporting documentation of the continued airworthiness of the aircraft.

Artículo 38. Validity of the airworthiness review certificate.

1. In order to renew the validity of the restricted certificate of airworthiness, the person responsible for the maintenance and continued airworthiness of the aircraft may make a declaration of continued airworthiness to the State Aviation Safety Agency.



The continued airworthiness declaration is a declaration of compliance made by the person responsible for the maintenance and continued airworthiness of an aircraft by which it states, under his or her responsibility, that he or she has performed the tasks necessary for the continued airworthiness of the aircraft listed in Chapter V of this Order and has carried out a physical check of the aircraft, such that it has been satisfactorily verified that the certificate remains in accordance with his or her restricted type-certificate or a declaration of compliance with the registered design by the competent aeronautical authority or, in the case of changes likely to be communicated or approved, they have been communicated or approved by the competent aeronautical authority, which has carried out the tasks of maintaining its airworthiness and which does not present any circumstance that prevents its safe operation, that it has documentation that proves it, that he or she makes it available to the competent aeronautical authority when required, and that he or she undertakes to maintain compliance with these obligations while he or she continues to perform the activity. This declaration shall be forwarded to the competent aeronautical authority within 10 working days of it being signed.

2. The continued airworthiness declaration renews the validity of the airworthiness review certificate for a further two years, or for an additional five years in the case of aircraft to which the simplified special scheme in Article 2(3) applies.

The new period of validity for the airworthiness review certificate shall be calculated from the date on which its loss of validity was expected prior to the submission of that declaration, if it is submitted within three months of the end of its validity. In another case, its validity shall be counted from the submission of the continued airworthiness declaration.

3. The airworthiness review certificate shall cease to be valid where mandatory rules of application are not complied with, and in all instances for any of the following reasons:

a) Where one year has elapsed since the invalidity of the restricted type-certificate or the declaration of compliance with the registered design on which it is based has been brought to the attention of the persons concerned;

- b) The certificate of restricted airworthiness loses its validity;
- c) The maintenance of airworthiness tasks indicated for the aircraft have not been performed;
- d) The validity of the airworthiness review certificate has not been renewed; or
- e) The aircraft ceases to have Spanish registration.

The one-year period referred to in point (a) is established to allow interested parties to apply for a permit to fly, in which case the airworthiness review certificate shall remain valid for as long as the relevant maintenance tasks are carried out and a declaration of compliance with airworthiness is submitted, and until the required flight authorisation is issued where appropriate.

4. In the event that a continued airworthiness declaration has not been submitted within a period of time, the aircraft may not be operated until such a continued airworthiness declaration is submitted, which may only be issued within six months of the end of the validity of the airworthiness review certificate or, where applicable, the previous declaration.

After the six-month period referred to in the preceding paragraph, the validity of the airworthiness review certificate may not be renewed by the submission of the continued airworthiness declaration. In this case, in order to obtain a new airworthiness review certificate, the person responsible for the maintenance and continuation of airworthiness shall apply to the State Aviation Safety Agency.

CHAPTER VI



Airworthiness directives

Artículo 39. Airworthiness directives.

1. Airworthiness directives applicable to ULM gliders are deemed as:

 a) Those adopted by the aeronautical authority of the country responsible for the restricted typecertificate or equivalent document on the basis of which the restricted certificate of airworthiness was issued;

b) Those adopted by the European Union Aviation Safety Agency (EASA) for those parts and equipment installed on ULM gliders;

c) Those adopted by the State Aviation Safety Agency.

2. The State Aviation Safety Agency shall adopt an airworthiness directive for aircraft for which it has issued a restricted type-certificate or has recorded a design compliance declaration, where:

a) It has found that an aircraft is insecure as a result of a deficiency in the aircraft or the engines, propellers, parts or equipment installed on board it; and

b) It is foreseeable that the unsafe situation observed may exist or arise on other aircraft.

3. The airworthiness directives of the State Aviation Safety Agency shall contain at least the following information:

a) A specification of the aircraft concerned;

b) A specification of the situation of insecurity;

c) The measures required to put an end to the situation of insecurity;

- d) The time limit for the adoption of the required measures;
- e) The date of application of the airworthiness directive.

4. In the case of aircraft affected by an airworthiness directive, the person responsible for the maintenance and continued airworthiness shall take appropriate corrective action.

CHAPTER VII

Common administrative provisions

Artículo 40. Common provisions on administrative procedure, supervision and sanctioning regime.

1. With regard to the application of this Order, it is incumbent on the competent body, on account of the matter of the State Aviation Safety Agency, to carry out the tasks assigned to it in this Order, and in particular:

a) The approval, issue, limitation, suspension and revocation of restricted type-certificates;

b) Authorisation of major changes to restricted type-certificates;

c) The registration, limitation, modification, suspension and revocation of type design compliance declarations; and

d) The approval, issuance, limitation, suspension and revocation of restricted airworthiness certificates;



e) The approval, issuance, limitation, suspension and revocation of permits to fly;

f) The authorisation of modifications and repairs to aircraft, where they are not covered by Article 33(2);

g) The adoption of airworthiness directives.

2. The procedures for approving and issuing restricted type-certificates, authorisation of major alterations to restricted type-certificates, registration and modification of declarations of compliance with type design, approval and issuance of restricted airworthiness certificates, approval and issuance of flight authorisations, as well as for the authorisation of modifications and repairs to aircraft, where they are not covered by Article 33(2), are initiated at the request of the interested party.

3. The deadline for issuing and notifying an express decision in the procedures for approving and issuing restricted type-certificates is six months.

The deadline for issuing and notifying an express decision in the rest of the procedures for the administrative acts referred to in paragraph 1 is three months, in accordance with Article 21.3 of Law 39/2015 of 1 October 2015.

4. Deadlines shall be counted from the date on which the application was entered in the register of the State Aviation Safety Agency, or if the application has been requested to be rectified in accordance with Article 68 of Law 39/2015 of 1 October 2015, from the date on which the duly corrected application has been entered in the register of the State Aviation Safety Agency, after which no explicit decision has been notified, the application may be deemed rejected by administrative silence, in accordance with the exception provided for in Article 24.1 of Law 39/2015 of 1 October 2015.

5. The decisions of the Operational Directorate responsible for the matter do not put an end to the administrative procedure. Against these, the interested party may lodge an appeal with the Directorate of the State Aviation Safety Agency within one month of notification of the explicit decision, or at any time from the day following that on which the application is to be deemed rejected by administrative silence, in accordance with Articles 121 and 122 of Law 39/2015 of 1 October 2015 and Article 4.3 of the Statute of the State Aviation Safety Agency.

6. The provisions of Law 39/2015 of 1 October 2015 apply to what is not provided for in this Order as procedural specialities.

7. In accordance with its Statute, approved by Royal Decree 184/2008, of 8 February 2008, it is the responsibility of the State Aviation Safety Agency to exercise its inspection and sanctioning powers in the field of civil aviation to ensure compliance with the provisions of this Order.

Where failure to comply with the applicable provisions of this Order may be included in one of the offences in the field of civil aviation provided for in Law 21/2003 of 7 July 2003, on Air Safety, its sanctioning regime shall apply to it.

Artículo 41. Monitoring organisations and holders of a registered design compliance declaration.

1. When, in the course of an inspection, carried out under the Aeronautical Inspection Regulation, the State Aviation Safety Agency finds objective evidence that a design organisation holding a restricted type-certificate, a production organisation designated therein, an organisation authorised by the holder of the restricted type-certificate for assembly designated in the latter, or holder of a declaration of compliance with the registered design, has failed to comply with the applicable requirements set out in this Order, these shall be classified as follows:



a) 'Level 1 non-compliance': Any breach of the provisions of this Order that could result in an unsafe situation on aircraft in service; or

b) 'Level 2 non-compliance': Any other breach of the provisions of this Order that is not classified as level 1.

2. Upon receipt of the finding of non-compliances in accordance with Article 40 of the Aeronautical Inspection Regulation, and in accordance with the classification provided for in the previous paragraph:

a) In the case of a Level 1 non-compliance, the holder of the restricted type-certificate shall take the necessary measures to remedy it no later than one month after the written confirmation of the non-compliance, in accordance with Article 29 of the Convention, Law 21/2003 of 7 July 2003, on Air Safety, and Article 40 of the Aeronautical Inspection Regulations;

b) In the case of a Level 2 non-compliance, the period granted by the State Aviation Safety Agency for remediation shall be appropriate to the nature of the incident, but in any case shall not exceed three months. In certain circumstances, and depending on the nature of the incident, the Agency may extend the period of three months following submission of a satisfactory corrective action plan accepted by the Agency.

3. In the case of Level 1 non-compliances, the restricted type-certificate may be suspended until the necessary measures for remedying have been implemented.

4. If, after the relevant maximum period for correcting the non-compliance, the non-compliance has not been corrected, the restricted type-certificate may be limited or revoked, in accordance with Article 41 of the Aeronautical Inspection Regulation.

First additional provision. Adaptation and modification of restricted type-certificates issued prior to Royal Decree 765/2022, of 20 September 2022, regulating the use of ultralight motorised gliders (ULM).

For applications for modification of restricted type-certificates referred to in the first additional provision of Royal Decree 765/2022 of 20 September 2022, and provided that the limitation contained in that provision is respected, the original basis for certification with deviations in accordance with the applicable new certification specifications and deemed acceptable by the State Aviation Safety Agency shall be accepted.

Second additional provision. Restricted airworthiness certificates complying with the unladen mass limit.

ULM gliders registered at the entry into force of this Order, the unladen mass of which, both real and in accordance with the data contained in the Civil Aircraft Registration Register, does not exceed the unladen mass limit defined in the first transitional provision of this Order, shall maintain the validity of their certificate of airworthiness unchanged.

Third additional provision. Implementation and enforcement measures.

1. The State Aviation Safety Agency shall take the necessary measures for the implementation and enforcement of this Order, and in particular it may adopt the templates in which the applications, declarations and communications set out in this Order must be submitted for its mandatory use by interested parties, in accordance with Article 66.6 of Law 39/2015, of 1 October 2015.

The forms of applications, declarations and communications for the application of this Order shall be available to the public through the website of the State Aviation Safety Agency.

2. By decision of the competent management of the State Aviation Safety Agency, the following



may be adopted:

a) Certification specifications adopted by the aeronautical authorities of other States that are deemed appropriate to ensure compliance with the essential airworthiness requirements of the Annex to a type design in accordance with Article 15(a)(2);

b) Acceptable Means of Compliance (AMC), illustrating ways of determining compliance with the provisions of this Order, without prejudice to the fact that interested parties can prove such compliance through alternative means of compliance (AltMoC), where the latter have been previously approved by the State Aviation Safety Agency on the grounds that they are in compliance with the applicable provisions in question of this Order;

c) Guidance Material (GM) to assist in the best implementation and enforcement of the provisions of this Order.

Fourth additional provision. Non-increase in public spending.

The provisions of this Royal Decree shall be taken into account with the available budgetary resources for each financial year and with existing personal resources, and may not entail an increase in allocations or remuneration or other staff costs.

First transitional provision. Transitional period of validity of restricted certificates of airworthiness with excess unladen mass and forms of adaptation to the unladen mass limit.

1. In accordance with the first transitional provision of Royal Decree 765/2022 of 20 September 2022, restricted airworthiness certificates issued prior to their entry into force for aircraft whose maximum unladen mass exceeds that obtained by subtracting from their maximum take-off mass, 145 kilograms, for two-seater aircraft, or 75 kilograms, in the case of single-seaters (hereinafter referred to as the 'unladen mass limit'), shall remain valid for a transitional period of two years from the entry into force of this Order.

2. Aircraft registered at the entry into force of this Order, the unladen mass of which, both real and according to the data contained in the Civil Aircraft Registration Register, exceeds the unladen mass limit, may be adapted during the transitional period provided for in the previous paragraph. To do this, the interested party must:

a) Implement changes that have been established in an amendment to the typecertificate of its aircraft model approved by the State Aviation Safety Agency, for which the holder of the type-certificate has made available to operators in the relevant service bulletins and updated manuals; or

b) Take appropriate actions for the aircraft to comply with the unladen mass limit requirement, while maintaining its airworthiness.

3. Aircraft referred to in the previous paragraph which have not adapted their certificate of airworthiness to the unladen mass limit during the transitional period referred to in paragraph 1 shall be prohibited from operating unless they qualify for the provisions of paragraphs 4 or 5 below.

4. Before the end of the transition period, the State Aviation Safety Agency may issue airworthiness directives, establishing the restrictions necessary to make compatible the unladen mass of ULM gliders that have not adapted to the unladen mass limit during that period, in accordance with the criteria set out in this Order. These restrictions may consist, inter alia, of limitation to a single occupant, if this is compatible with its unladen mass.

5. By way of derogation from paragraphs 3 and 4, the owner or operator of an aircraft referred to in those paragraphs may request the issue of a permit to fly, for the purpose referred to in Article 31(1) (i), and where applicable, other additional purposes referred to in Article 31(1), and justifying that the



aircraft is safe for flight in such purposes with a maximum take-off mass greater than that indicated in the restricted type-certificate and complying in that case with the unladen mass limit.

The restricted certificate of airworthiness shall be revoked at the time of issue of the permit to fly. The owner or operator of the aircraft may request the issuance of a new restricted certificate of airworthiness where it demonstrates that the aircraft has been adapted in the manner set out in paragraph 2.

Second transitional provision. Ongoing restricted type-certification procedures.

This Order shall not apply to ongoing type-certification procedures; these are governed by the previous legislation.

Sole repealing provision. Repeal of regulations

The Order of 14 November 1988, establishing airworthiness requirements for Ultralight Motorised Aircraft.

First final provision. Amendment of the Order of 31 May 1982, approving a new Regulation for the construction of aircraft by amateurs.

The following amendments are made to the Order of 31 May 1982, approving a new Regulation for the construction of aircraft by amateurs:

One. Article 15 is amended to read as follows:

'Article 15. Granting and validity of the Restricted Airworthiness Certificate.

First.- On completion with satisfactory results of the tests set out in Article 13, the State Aviation Safety Agency shall issue a restricted certificate of airworthiness.

Second.- Its duration shall be unlimited, on the condition that the requirements for granting it are met at all times, and that its owner or the natural or legal person who may use the aircraft under lease or any other title presents a declaration of compliance every two years in which, under its responsibility, it indicates that it has carried out a general review of the aircraft within 10 working days prior to the submission of the declaration, except for aeronautical equipment or equipment having its own potential, and that the aircraft is in a state of maintenance enabling safe air operations; that it has documentation that accredits it, that it shall be made available to the State Aviation Safety Agency when required, and that it undertakes to maintain compliance with these obligations while the aircraft remains in use and the validity of the certificate is maintained.

Third.- The presentation of the declaration of compliance shall revalidate the restricted certificate of airworthiness for another two years.

The new period of validity of the restricted certificate of airworthiness shall be calculated from the date on which its loss of validity was foreseen before the submission of the said declaration, if it is submitted within three months of the end of its validity.

If the declaration of compliance is submitted within three months of the end of the validity of the restricted certificate of airworthiness, the new validity of the certificate of airworthiness shall be calculated from the date of submission of the declaration of compliance.

In the event that the restricted certificate of airworthiness has lost its validity because a declaration of compliance has not been submitted within the time limit, the



certificate may not be revalidated by the presentation of a declaration of compliance, and the owner or natural or legal person who may use the aircraft under lease or any other title must apply to the State Aviation Safety Agency for its renewal.'

Two. Article 16 is amended to read as follows:

'First.- Registration shall be made after the Restricted Certificate of Airworthiness has been granted, and the manufacturer(s) must be listed as the owner of the aircraft, according to the documentation presented.

Second.- Until the first four years from the first registration, an aircraft constructed by amateurs may only be used by its original owner, except in the following cases:

a) Use by any associate, member or assimilated member of a non-profit entity; and

b) Use by a relative up to the fourth degree of consanguinity or third degree of affinity.

In the case of point (a), the transfer of responsibility for airworthiness management is not permitted until four years following registration. In this case, the parties shall reach a written agreement specifying how the original owner is to continue to conduct airworthiness management, and how the user other than the original owner will facilitate that task to the transferor.

In the event of the death of the original owner of the aircraft, the limitation of its use laid down in the first subparagraph shall not apply.'

Three. A new single additional provision is added as follows:

'Single additional provision. Implementation and enforcement measures.

1. The State Aviation Safety Agency shall take the necessary measures for the implementation and execution of this Order, and in particular may adopt the templates in which the applications, declarations and communications set out in this Order must be submitted for their mandatory use by interested parties, in accordance with Article 66.6 of Law 39/2015, of 1 October 2015.

The forms for applications, declarations and communications are available to the public through the website of the State Aviation Safety Agency.

2. By decision of the Directorate responsible for aircraft safety of the State Aviation Safety Agency, the following may be adopted:

a) Acceptable means of compliance (AMC), illustrating ways of determining compliance with the provisions of this Order, without prejudice to the fact that interested parties can prove such compliance through alternative means of compliance (AltMoC), where the latter have been previously approved by the State Aviation Safety Agency on the grounds that they are in compliance with the applicable provisions of this Order; and

b) Guidance material (GM) to assist in the best implementation and enforcement of the provisions of this Order.'

Second final provision. Attribution of powers.

This Order is issued under Article 149.1.20 of the Constitution, which confers on the State exclusive jurisdiction over the control of airspace, traffic and air transport, and registration of aircraft.



Third final provision. Entry into force.

This Order shall enter into force on the day following its publication in the Official State Gazette.

ANNEX

ESSENTIAL AIRWORTHINESS REQUIREMENTS

1. Aircraft strength: the strength of the aircraft shall be ensured for all expected flight conditions during the aircraft's useful life. Compliance with all requirements shall be demonstrated through assessments or analyses, supported, if necessary, by evidence.

1.1. Structures and materials: the strength of the structure shall be ensured not only in all normal operating conditions of the aircraft, including the propulsion system, but also in more demanding circumstances, and shall be maintained throughout the life of the aircraft.

1.1.1. All components of the aircraft which, in the event of a breakdown, could reduce structural strength shall comply with the following conditions without any harmful deformation or breakdown. This includes all elements of significant mass and their means of clamping.

1.1.1.1. All reasonably foreseeable load combinations, as well as more demanding ones, shall be taken into account, depending on weights, centre of gravity range, operating conditions and aircraft service life. This includes loads due to bursts, manoeuvres, pressurisation, mobile surfaces, control and propulsion systems both in flight and on the ground.

1.1.1.2. Loads and possible breakdowns due to landings and forced landings shall be taken into account.

1.1.1.3. Dynamic effects on the structural response to such loads should be covered.

1.1.2. The aircraft shall not undergo any aeroelastic instability or excessive vibration.

1.1.3. The manufacture, processes and materials used in the construction of the aircraft must result in known and reproducible structural properties. All variations in the behaviour of the materials in relation to the conditions of use shall be justified.

1.1.4. The effects of cyclical loads, environmental deterioration, accidental or differentiated source damage must not reduce structural strength below an acceptable residual resistance level. The instructions necessary to ensure continued airworthiness shall be disseminated in this regard.

1.2. Propulsion: the robustness of the propulsion system (i.e., the engine and, where applicable, the propeller) shall be demonstrated not only under all normal conditions of use of that system, but also in more demanding circumstances, and maintained throughout its lifetime.

1.2.1. The propulsion system must, within its declared limits, produce the impulse or force required under all the intended flight conditions, taking into account environmental effects and conditions.

1.2.2. The manufacturing process and the materials used in the construction of the propulsion system must result in a known and reproducible structural behaviour. All variations in the behaviour of the materials in relation to the conditions of use shall be justified.



1.2.3. The effects of cyclic loads, environmental and operational deterioration and possible component breakdowns must not reduce the robustness of the propulsion system below acceptable levels. The instructions necessary to ensure continued airworthiness shall be disseminated in this regard.

1.2.4. The instructions, information and requirements necessary to ensure a safe and adequate interface between the propulsion system and the aircraft shall be disseminated.

1.3. Systems and equipment:

1.3.1. The aircraft must not present design features or details of which experience has shown to be hazardous.

1.3.2. The aircraft, including systems, equipment and apparatus required for certification or operating standards shall operate as intended under and beyond any foreseeable operating conditions, taking due account of the conditions of use of the systems, equipment or apparatus.

Other systems, equipment or appliances not required for airworthiness certification or operating standards, regardless of whether they function well or poorly, must not reduce safety or adversely affect the proper functioning of any other system, equipment or apparatus. Systems, equipment and appliances must be capable of being used without the need for exceptional skill or strength.

1.3.3. The aircraft's associated systems, equipment and appliances, both considered separately and in mutual connection, must be designed in such a way that catastrophic breakdown situations do not occur due to an isolated breakdown that has not been shown to be extremely unlikely, and there must be an inverse relationship between the likelihood of a breakdown and the severity of its effects on the aircraft and its occupants. As regards the isolated breakdown criterion mentioned above, it is accepted that due account should be taken of the size and overall configuration of the aircraft, and that this may prevent such an isolated breakdown criterion from being given for some parts and some helicopter and small aircraft systems.

1.3.4. The crew or maintenance staff, as appropriate, must be provided in a clear, consistent and unambiguous manner with the information necessary to perform a safe flight, and information on conditions that may compromise safety. Systems, equipment and controls, including any indication or announcement, must be configured and positioned in such a way as to minimise errors that could contribute to the generation of hazardous situations.

1.3.5. Design-level precautions must be taken to minimise the risks to the aircraft and its occupants with regard to reasonable probable hazards, both inside and outside the aircraft, including protection against the possibility of a breakdown or a significant problem that any of the aircraft's appliances present.

1.4. Continued airworthiness:

1.4.1. Instructions for continued airworthiness shall be issued to ensure that the airworthiness level of the aircraft's type certification is maintained throughout the operational life of the aircraft.

1.4.2. Means to enable the inspection, adjustment, lubrication, removal or replacement of components and appliances requiring continued airworthiness shall be provided.

1.4.3. Instructions for continued airworthiness shall be in the form of a manual or manuals, as required by the amount of data to be provided. Manuals should contain maintenance and repair instructions, information on maintenance services, problem detection and inspection procedures, in a format suitable for practice.

1.4.4. The instructions for continued airworthiness should contain airworthiness limitations setting out each mandatory replacement time, inspection intervals and inspection procedure.



2. Airworthiness aspects of aircraft use:

2.1. It must be demonstrated that the following factors have been taken into account in order to ensure a satisfactory level of safety for persons on board or on the ground during the use of the aircraft:

2.1.1. The types of use for which the aircraft has been approved, and the limitations and information necessary for its safe use, including environmental limitations and performance, must be laid down:

2.1.2. It must be possible to control and manoeuvre the aircraft under all foreseeable operating conditions, even after a breakdown in one or, where appropriate, several propulsion systems. Due account must be taken of the pilot's strength, the cockpit environment, the pilot's workload and considerations in relation to other human factors, as well as the phase of the flight and its duration;

2.1.3. It must be possible to make a gradual transition between one flight phase and another without requiring an exceptional level of prowess, alertness, strength or workload on the part of the pilot under any likely conditions of use;

2.1.4. The aircraft must have such stability as to ensure that the requirements to be met by the pilot are not excessive in view of the flight phase and its duration;

2.1.5. Procedures for the operation of the aircraft under normal, breakdown and emergency conditions must be established;

2.1.6. Warnings or other dissuasive means, appropriate to the case, must be provided to prevent overruns of normal flight conditions;

2.1.7. The characteristics of the aircraft and its systems must allow for the restoration of normality when an extreme situation has occurred within the flight domain.

2.2. Operating limitations and other information necessary for the safe use of the aircraft must be communicated to the crew members.

2.3. The operations of the aircraft must be protected against hazards resulting from adverse conditions, both external and internal, including environmental conditions.

2.3.1. In particular, situations of insecurity should not arise from exposure to phenomena such as – but not limited to – adverse weather conditions, lightning, bird impact, high-frequency radiated fields, ozone, etc., which it is reasonable to foresee during aircraft use.

2.3.2. Cabin compartments must provide passengers with appropriate transport conditions and adequate protection against any danger in flight operations or emergency situations, including fire, smoke, toxic gases and risks of rapid decompression. Provisions should be made to give occupants the best chance of avoiding any serious injury and being able to quickly leave the aircraft, and to protect them against the effects of deceleration forces in the event of landing or emergency landing. Clear and unambiguous signs or posters should be provided according to requirement, in order to provide instructions to occupants to adopt appropriate and safe behaviour and to locate and use safety equipment correctly. Mandatory safety equipment must be easily accessible.

2.3.3. The crew compartments must be arranged in such a way as to facilitate flight operations, including means to raise awareness of situations, and the management of any expected situation or emergency. The crew compartment environment must not compromise the crew's ability to perform their tasks, and must be designed in such a way as to avoid interference during operations and misuse of controls.